IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 456 of 2004 (M/B)

Sarvesh Bisaria,
S/o Late Sri S.K. Bisaria,
R/o D-83, Gulmohar Park,
New Delhi – 110049. …….. Petitioner

Versus

1. State of Uttaranchal,
   Through Chief Secretary, Civil Secretariat,
   Dehradun, Uttaranchal.
2. Secretary (Home),
   Uttaranchal, Civil Secretariat,
   Dehradun, Uttaranchal.
3. District Magistrate /Collector,
   District Champawat,
   Uttaranchal. ……. Respondents

Mr. Harwansh Singh, Advocate for the petitioner.
Mr. U.P. S. Negi, Addl. Advocate General for the respondents.

JUDGMENT
Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J.

Mr. Harwansh Singh, Advocate for the petitioner.

Mr. U.P. S. Negi, Addl. Advocate General for the respondents.

They are heard.

2. Petitioner Sarvesh Bisaria has filed this writ petition styled as 'Public Interest Litigation' for the following reliefs:

> "It is, therefore, most respectfully prayed that Your Lordships may graciously be pleased to issue a writ of mandamus or any other suitable writ, orders or directions to the respondents to provides basic amenities to the people who are visiting the shrine i.e. Poornagiri Devi and further issue writ of mandamus or appropriate orders and directions to the respondents to frame the scheme of managements so that the amount collected from the visitors/ devotees of the shrine are utilized for the proper development and welfare of the said shrine itself or may pass any other order or directions as may deem fit and proper in the interest of justice."

3. The respondents have filed their counter affidavit. In paras 6 to 9 of the said counter affidavit following averments have been made:

> "6. That the factual position is this that a festivity is organized on large scale in the Purnagiri Temple every year, which is scheduled for 50 days i.e. from the Chaitra Navratri till the period of 50 days. During this period lakhs of the devotees of the Mother Purnagirie visit the Temple. Rest of the days in the year, there is not much rush of the visitors yet about 40-50 people visit the temple daily.
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> 7. That priests of the temple hail from two Brahmin families namely Tewrai and Baldiya who have been engaged as such for several generations. Presently the successors of the above two Brahmin families have gone in large numbers. The Tiwari Family has 96 members now where as the Baldiya Family has 121 members. These members constitute their own individual families and by mutual consent all these families practice the priesthood in the temple in succession, that is, on after another. The gifts both in cash and kind offered by the devotees are appropriated by the said families of the day of their cook of the priesthood in the temple. However, the income of the temple is not used by the Government for maintaining law and order and other arrangement made by it. The priests of the temple do not spend any money for the maintenance of the law and order and also the temple premises. No health and sanitary facilities are given by the temple priests.
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> 8. That the stalls are given to the public on auction in the temple compound and the income arising from the source including the packing charges are collected by the District Panchayat. Besides, the State Government also sanctioned a grant of Rs. 16 lakhs annually.
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> 9. That the district administration has already forwarded as scheme to the Government for creating a trust for the entire maintenance, management and general administration of the temple and its activities. However, the proposal is pending. It is in the best interest of the public to create a public trust in this regard.

4. From the above averments, we are satisfied that necessary steps are being taken by the respondents to provide basic amenities and other facilities to the visitors of Purnagiri Shrine.

5. In this view of the matter, no further direction to the respondents or monitoring of the matter by the Court is necessary.

6. The writ petition, therefore, is closed.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**

05.06.2006 05.06.2006

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